

Open Research Online

The Open University's repository of research publications
and other research outputs

Just deserts? Developing practice in youth justice

Journal Item

How to cite:

Kubiak, Chris and Hester, Richard (2009). Just deserts? Developing practice in youth justice. Learning in Health and Social Care, 8(1) pp. 47–57.

For guidance on citations see [FAQs](#).

© 2008 Blackwell Publishing Ltd

Version: [\[not recorded\]](#)

Link(s) to article on publisher's website:
<http://dx.doi.org/doi:10.1111/j.1473-6861.2008.00194.x>

Copyright and Moral Rights for the articles on this site are retained by the individual authors and/or other copyright owners. For more information on Open Research Online's data [policy](#) on reuse of materials please consult the policies page.

oro.open.ac.uk

Just Deserts? Developing Practice in Youth Justice.

Chris Kubiak (PGDip. Psych (Com))
Lecturer

Richard Hester (PhD)
Lecturer
r.hester@open.ac.uk

The Open University,
Faculty of Health and Social Care
The Open University
Walton Hall,
Milton Keynes
MK7 6AA

01908 858353

Please note: this is a submission copy of a published article.

Abstract

This paper considers the issues involved in developing a programme for youth justice practitioners. Contemporary youth justice practice occurs in an increasingly managerialist and punitive context raising questions about how best to develop effective practitioners. It is argued that youth justice practice involves a recurring challenge of meeting situations of high complexity that must be dealt with on a case-by-case basis, guided by a clear understanding of how offending behaviour is constituted. The Professional Certificate in Effective Practice is reviewed and it is argued that education must emphasise reflective understanding. A critique of competency based education in relation to the Diploma in Probation Studies is also presented arguing that such an approach renders invisible important aspects of practice. Recommendations are made for a curriculum for a youth justice programme which stresses humanism, reflective understanding of context and history, criminology, sociology and psychology, social exclusion, social control, risk, victimology and comparative youth justice.

Introduction

Since 2000, New Labour's 'new youth justice system' has introduced substantial changes, not all of which have been welcomed with open arms (Goldson 2000, Pitts 2001, Pitts 2005a). Much has been made of the quickening pace of criminal justice legislation, new offences, the myriad of sentences and 'agendas' and indeed 'evaluation' reports. While the rapid and hyperactive pace of change is not disputed, the direction of travel is.

During a teaching session with youth justice practitioners, the second author asked participants to describe the difference between the way in which youth justice was organized before 2000 and how it is now. For one group the period pre-1998 Crime and Disorder Act marked a time of inefficiency and confusion in which the 'victims of crime' and any notions of restorative justice were placed firmly in the background. Post 2000 had been a renaissance with a flourishing restorative ideology and supportive preventative interventions. For the other group, practice was in serious decline. 'Tick box performance management' was dominating practice and creating intense pressure on the workforce. The 'real work' of engaging with young people was being eroded.

The shift towards 'tick box practice' is a view supported by Eadie and Canton (2003), who suggest that the dominance of risk assessment in contemporary youth justice culture might displace a more reflective approach to the work. Similarly, Phoenix (2007) exploring the way in which practitioners acquired and made sense of information about 'young law breakers' found oddly contradictory statements. The broader needs of young people were confused with the criminogenic needs (those related genesis of criminal conduct such as an addiction to cocaine). In other words, there existed a tension between the need to attend to the personal difficulties and challenging personal circumstances of the young people involved while pushing for behaviour change. This is a debate around the particular balance of understanding needs or punishing deeds.

This leads to the perennial discussions concerning the welfare needs in effective supervision of young offenders, in the face of the increasingly disciplinary culture of contemporary youth justice. However a discussion on whether or not welfarism is

inherent to the contemporary Youth Offending Team (YOT) or simply present as a thin veneer (Scruton 2005, p19) under which more punitive currents swirl, misses the point that all interventions associated with the youth justice system need to be managed mindfully because of their potential to draw more young people into the system (Cohen 1985). The question remains though, how do the good intentions expressed by practitioners become consumed by the youth justice system?

The needs-deeds debate and the associated concerns with tick box performance must be viewed within the current climate of general distrust of professionals. Increasingly, government and the public want assurance that workers are being suitably scrutinized, regulated, trained and credentialised. As part of this trend, there is a sense that contemporary youth justice practitioners have become de-professionalized (Pitts 2001) and yet, the need from some quarters at least, is for mindful, reflective and expert practice.

The development of effective practice, or at least its teaching lies at the heart of these paradoxes within the system. How is effective practice defined? What is an appropriate pedagogical process to develop workers in this field? What should the content of the programme be? This paper explores these issues, first by reflecting upon the nature of practice and expertise before reviewing two different approaches adopted in this field to developing skill and knowledge. It then discusses the nature of a curriculum for a programme of study for workers in youth justice.

Practice in Youth Justice

Like much activity in human services, work in youth justice is characterised by messy ambiguity. Practitioners work with young people who present intractable problems, conflicting demands and uncertainty. This is a challenge of high complexity that must be dealt with on a case-by-case basis, guided by a clear understanding of how offending behaviour is constituted. Set against the growing importance of drawing from the evidence base, working within established frameworks and using particular assessment tools, it would be useful to begin by exploring the kind of 'knowing' needed to meet the demands of practice. The divide between the nomothetic and idiographic ways of knowing and acting provide a useful illustrative framework.

Nomothetic and idiographic practice

Nomothetical ways of knowing are concerned with understanding the world in terms of universal explanations, generalised or causal rules. In other words, the practitioner is guided by theory or a body of general principles in order to respond to the situations or cases that they encounter. Certainly, having a theoretical understanding of offending behaviour turns thoughts in particular directions, or provides a basis for problem solving and decision making in ambiguous situations. However, the use of any generalized theory does depend upon being able to recognise situations where it should apply (Kennedy 1987). After all, the difference between ‘look before you leap’ and ‘those who hesitate are lost’ is an understanding of the situation. As Kennedy (1987) argues, cases do not present themselves as examples of general principles, but instead force practitioners to ferret out the principles from the case. So in addition to having a nomothetic knowledge of practice, the practitioner needs to be attuned to the unique features of each case.

Idiographic approaches to practice rest upon recognising encounters with young people as unique in and of themselves. This is an approach that emphasises building subjective understandings and insight into the particular circumstances of the client, their context as well as the wider system in order to work with them to address their particular needs and offending behaviour. This is not effective practice in the way it is presented in Kennedy’s (1987) review as underpinned by ‘principles as prescription’ but more in terms of reflection or a deeper understanding of individual people. To borrow from nursing, Burkitt et al. (2001) describe an approach to practice which involves building an understanding of what needs to be done, not by simply following general principles about the needs of service users but through forming a relationship with the patient, getting to know them as people and relating to them on an emotional level. Through reaching a holistic understanding of the service user’s needs, the worker and the client devise an individually focused plan.

We are not arguing that the work in the youth justice is made up of random, non-repeatable occurrences demanding that the practitioner starts afresh with each new client. Rather, just as evidence-based practice can imply (wrongly) that a separation of knowledge of best practice is detached, free floating from context and thus separate from any judgement about circumstances (See also Pitts 2005b), expert practice is not

simply a matter of following abstract rules or general theories but involves the capacity to make a large number of situational discriminations – an ability to read the cues in a situation and act appropriately (Eraut 1994). As Dreyfus and Dreyfus (2005) argue, such situational discriminations rest on exposure to thousands of cases and an understanding built up through reflection upon practice. From this perspective, rule or theory-based behaviour is a characteristic of the novice not the expert and as one grows in competence, one sees that any one maxim has limited use. Quizzed about possible ways forward, novices will articulate ‘the rules’ while experts with their deep contextual understanding will answer “it depends”.

Constructing a curriculum for Youth Justice

At first glance, the argument above appears to favour experiential learning over formal learning. Practice knowing does play a large part in the development of expertise. But what is the place of formal education? Certainly, formal education has been favoured by the Youth Justice Board who aimed to ensure that eighty percent of youth justice workers in England and Wales had gained or were working towards a professional qualification equipping them with the skills needed to work with young and vulnerable children – a target that was achieved in 2006 (Youth Justice Board 2006). To explore the place for formal education, we consider two examples – that of the Professional Certificate in Effective Practice (PCEP) drawing on the second author’s teaching experience in that programme and then using the Diploma in Probation Studies as a starting point, Competency-based Education and Training will be examined. An exploration of these two programmes will provide direction for a discussion of the development of a programme of study for youth justice practitioners.

Professional Certificate in Effective Practice

In 2003 the YJB launched the Certificate in Effective Practice (Youth Justice). For a number of years, the second author taught on this programme and much of the analysis in this section draws from this experience. The PCEP was initially delivered in England by the universities of Nottingham Trent, Sheffield Hallam and Portsmouth. To study this 40 point credit bearing ‘certificate,’ students were drawn from multiagency Youth Offending Teams (YOTs) established to prevent young people from reoffending or secure (‘locked up’) establishments. Usually there were between 16 and 22 ‘participants’ per course.

Upon registering each student received a 'learning portfolio' and a 'participant pack' containing a study guide and a set of 'topic readers' on the 15 Key Elements of Effective Practice, which reflected the YJB's conceptual framework for effective practice in Youth Justice. The course was delivered in three taught modules between which was apportioned appropriate 'study time'. Broadly the first module covered a brief overview of the youth justice system as a whole, its possible aims, a cursory glance at the 'values underpinning the system' and some principles of effective partnership. The second module focused almost exclusively on the 'McGuire principles' - a framework of principles distilled from research into the prevention of youth offending that supposedly identified 'what works' when working with young people. The third module dealt with the preparation necessary for participants to undertake a mini audit using the Youth Justice Board's Effective Practice Quality Assurance Framework (EPQAF) as a model.

What worked?

The course experienced a number of difficulties but the most worrying was the subject material itself. In the material there was a strong focus on the 'what works' agenda and its development subsequent to Martinson's (1974) seminal work and the emerging principles of 'effective practice,' however there was little detail as to the finer grain of its history in the juvenile context (Raynor and Robinson 2005). The leitmotiv of the course was a relentless presentation of a clear resolution to the questions concerning 'what works' in preventing juvenile reoffending. Using the materials alone (including the 15 topic readers) it would be quite possible for a student to get the impression that the 'holy grail' had indeed been found. The recent cautionary lessons regarding the application of 'what works' arguing that this approach was limited in effectiveness and limiting to practice (Harper and Chitty 2005) and similar previous warnings were disregarded (Pitts 2005b). Moreover, the student might also conclude, contrary to the research findings of Webster *et al* (2005), that further debate on the prediction of 'risk' and 'protective' factors was unnecessary and that risk assessment was a neutral, value-free process. The presentation of the 'McGuire principles' came across as an uncontested answer rather than a contested or developing process. The level of critique within the materials was minimal in terms of exposure to 'dissenting' voices.

One defence of this apparently simplistic approach is that there was a need to present learning material at the 'right level' for students returning to the academic world. However, accessible material does not need to be simplistic to be engaging. In fact, many students appeared to resent the course's 'one sided view', not least the session entitled 'the history and structure of the system' which started with the words "YOTs were established in 2000....' (see Ecotec 2003). Worse still the historical section concludes one sentence later (see also Pitts 2005b, p.253 who eloquently uncovered further 'selectivity' from the course). Conversations with practitioners on the course were illuminative. This apparent 'airbrushing' of anything prior to the turn of the century received much criticism from many of those who had been practicing in the latter part of the last century and had witnessed both the successes and failures of youth justice over the last 20 years.

It would be wrong to give the impression that the course was badly received by all the students. For some, the 'McGuire principles' unlocked and led to a more focused approach to their work with young people. The second author found that students thought the introduction to 'learning styles' was helpful (although reference to the criticisms of their application would have been appropriate- see Coffield *et al* 2004). Others found that their knowledge of the vocabulary of the *Effective Practice Quality Assurance Framework (EPQAF)* enabled them to understand some of the requests to collect data from their managers or 'performance specialists' employed solely to monitor service effectiveness. Learning this new vocabulary was empowering. However conversations with students suggested that many felt that the course was simply a means to an end and found the level of academic criticality falling well short of previous academic experiences.

Teaching and learning

In terms of teaching, tutors worked from packs of material that directed them to a range of teaching techniques such as group discussions, role play, presentations and very occasionally traditional mini-lectures. This multi-faceted teaching strategy appeared to model the principle of 'intervention modality – a belief that a varied range of approaches to changing a young person's behaviour are more effective than a single approach. While the intention of introducing variety was to explore aspects of

practice from different perspectives, any 'multi-voiced' account was in fact very limited. The material was homogenous and many of the structured 'sessions' often ended up as little more than introductions to exercises, some discussion followed by drawing a few, self-evident conclusions, if any conclusions at all.

One of the strengths of the educational process lay in its gathering together a mixed group of participants - 'old timers' and novices alike – to support participants to co-construct an understanding out of the principles of practice grounded in situated knowledge and the interrogation of case examples and war stories. Through interrogation of practice with theory and critique of theory in the light of experience, workers expand their ability to recognise, discriminate between and respond to different situations (Fenton-O'Creevy et al., 2006). Moreover, experiential knowing is not infallible but is subject to limitations in perspective, errors and biases (Eraut, 2004). The course created a space which, as Eraut (1994) suggests, helps students become more aware of pitfalls in their practice, review existing evidence and to collect new evidence in ways that avoid difficulties.

However, the PCEP missed a valuable opportunity in its approach to the complexities of practice by presenting the debates and issues in an easily resolved fashion.

Learning design is not simply about mastering disciplinary knowledge but rather revolves around a series of dialogues between different disciplinary perspectives on practice, between theory and practice and between participants' different experiences of the world (Fenton-O'Creevy et al., 2006). Consider for example, the professional process of conducting an assessment in youth justice. Curriculum in this area could involve exploring assessment from the perspective of the practitioner, the manager and the young person in order to take a broad perspective on the process and to grasp its complexity. Study may then explore different disciplinary perspectives on assessment and locate it in different discourses. For example, psychological research on bias, the empirical research on risk factors, the Youth Justice Board's material on using the assessment tool 'Asset' or material from critical criminology. Such a perspective would create a multi-voiced educational process in which knowledge is not complete but multifaceted and open to further interpretation and development.

Reflection is central to this process in that it encourages the integration of formal, tacit and self regulative forms of expert knowledge (Fenton-O'Creevy et al., 2006). To its credit, the PCEP did stress reflective practice but perhaps lost an opportunity by smoothing the edges around the central questions in practice too much to spark searching questions. After all, what is not needed is the glib and reactive reflection upon practice in the absence of any depth or breadth of knowledge alluded to by Nellis (2001). Dialogue between the frameworks governing practice and theoretical knowledge and between the participants own experience and that of other students is needed. Fenton-O'Creevy (2006) considers this process as a dialectical one – one in which learning occurs through experienced dissonance.

Many scholars have asserted that learning begins with discomfort which leads to a process of reflection (Billett, 2005, Paloniemi, 2006, Barnett, 1999). Similarly, Weick et al.'s (2005) work on sense making draws from similar notions of expertise as those associated with the Dreyfus and Dreyfus's (2005) conception. They emphasise disequilibrium – the current state of the world is perceived to be different from the expected state of the world –which interrupts action. To resume action, the participants must make sense of the situation. Thus, in the curriculum the learner is challenged to reconceptualise the world as they encounter tensions between their existing mental models and the evidence and ideas presented to them. This presents quite a different approach to the settled debates and easy conclusions of the PCEP. This is a process of opening up debate, of enquiry and critical reflection.

Such transformations may not only be driven by group discussion but also in an assessment strategy that requires students to work reflectively to draw together theory and practice. Such assignments have value in that the reflective approach allows the learning occurring in work to be accredited (Thorpe 2000). However, practice-related reflective assignments should not be treated as wholly unproblematic. Boud and Walker (1998) identify concerns with laying claim to reflective approaches in workplaces which do not allow learners to explore a state of perplexity, hesitation and doubt – the disturbing and unpredictable nature of reflecting on practice cannot be ignored. However, the nature of the course certainly did not model such a stance or demonstrate that it was acceptable.

Diploma in Probation Studies and competency-based education

Initiated in 1997-98, the Diploma in Probation Studies (DipP.S) was a mix of undergraduate degree and the competency-based National Vocational Qualification. Nellis (2001) is critical on a number of points though we wish to pick up on his concerns with the way that the Dip P.S curriculum was defined and assessed partly in terms of an agenda of 'Competence Based Education and Training' (CBET). With notable prescience, Nellis suggests that CBET is not some small adjustment in effective pedagogy but rather a major transforming influence on what it means to be a thoughtful, critical practitioner. Quoting Usher he presents the competence-based agenda as part and parcel of the 'impersonalism' and 'managerialism' that is working to the detriment of the probation profession - part of the tickbox culture discussed earlier - an effect that is felt as acutely by the newly constituted professionals of youth justice as it was by some of the new wave of post Dip. P.S. Probation Officers. He argues that:

People, like NVQs, become adaptable, a bundle of functional competences attained and exercised according to the demands of the market. They are commodified in the very process that commodifies learning.

(Usher, 1997, pp, 106 cited in Nellis 2001, pp.420)

His criticism of CBET is as much about the spirit of the agenda as the pedagogy. CBET subjugates the students' personal needs or desire for authentic expression to the needs of the organisation for particular kinds of workers (Nellis, 2001). Under CBET the student becomes a human resource to be moulded and shaped, not an agent finding a sense of vocation, professional skill and identity through the educative process. In a sense, the workplace becomes the purchasing client and the student is the raw resource to be developed. Admittedly, universities are justifiably being called more and more to heed to skills agenda of the workplace (Brennan et al., 2006). However, they need to retain their moral responsibility as critic and conscience of society and their intellectual agenda to develop people whose practice and understanding of the world is under critical control. What place does such an approach have in what Thorpe (2000) refers to as the conservative and reductionist nature of competency-based education?

CBET has particular pedagogical implications. CBET-based approaches do draw attention to the processes (for example, conducting an assessment, using the law, planning interventions) that determine the quality of professional action as opposed to the naïve view that effective practice simply relies on a grasp of a body of propositional knowledge (Eraut, 1994). There are cautions here though. The competency-based approach draws on functional analysis where the job is broken down into functional units, the units into elements, each of which has to be separately assessed according to a list of performance criteria (see Eraut 1994) is not only administratively unwieldy but can unfairly privilege skills which are amenable to acquisition and certification (McBride et al., 2004). That is, they may skew the educational process in particular directions and leave the more intricate and sophisticated aspects of knowledgeable practice invisible. Heron and Chakrabarti (2002) argue that such approaches deskill the workforce through the fragmentation and routinisation of work. Equally the focus on the observable to the neglect of the tacit can demean and trivialise the complexity of what the worker may know.

Equally, competency-based approaches impact on the learning process. McBride et al (2004) argue that competencies place undue emphasis on the achievement of standards without necessarily any engagement with learning on the part of the individual. Others have noted the uncritical or superficial nature of the NVQ process. For example, Heron and Chakrabarti (2002) recount a story about learning driven by competencies in which an experienced care worker evidences the health and safety competency by explaining that people should be careful when making food because the oven is hot. This account demonstrates how the professional skill in assessing and managing risk can be reduced to a superficial rule-based account.

Admittedly, the competency-based approach does offer some advantages. It enables workers to receive formal acknowledgement of the skill and knowledge they have acquired through experience other than formal education (McBride et al., 2004). However, long lists of skills and assessment documents that accompany the competency-based approach can be overly unwieldy and excessively bureaucratic. Eraut's (1994) suggestion that the educative process should be concerned with the

‘types of professional processes’ described earlier as well as ‘theoretical frameworks’ seems to point to a way forward.

An outline of a youth justice programme

So what could a programme for youth justice workers be? To turn to Nellis again, we note his differentiation of the types of knowledge needed to provide the theoretical and practical base for a reflective practitioner. Nellis describes a distinction between underpinning knowledge and overarching knowledge. Underpinning knowledge is the operational knowledge needed for practice, generated by the practice environment itself that enables the practitioner to do a particular job in a particular agency.

Overarching knowledge on the other hand, consists of knowledge from academic disciplines such as criminology or sociology. Such knowledge relates to the academy’s civic role to foster critical thought about the nature of the criminal justice system and its practices, policy and the ongoing (and centuries old) debates on justice, crime and punishment. In making his distinction about these two types of knowledge, Nellis argues:

This is expressly not a normative distinction, both are of equal value nor is it distinction between theory and practice, because both underpinning and overarching knowledge each have elements of theory and practice - different sorts of theory and different sorts of practice. Underpinning knowledge is provided predominantly by the agency while overarching knowledge is provided by the university—and that is the basis on which a partnership between them should be built. (Nellis 2001, pp. 422)

We must however, be careful at this stage not to dismiss out of hand underpinning knowledge as ‘managerialist’ or unimportant workaday stuff. Targets, guidelines and protocols can help coordinate actions in a complex system. Practitioners who were ignorant of these organisational needs would struggle to be effective by any definition of that term. Whilst Nellis suggests both underpinning and overarching knowledge are

needed, it is important for the practitioner to realise that these two types of knowledge cannot be easily separated. In other words, theory takes purchase and gains meaning within underpinning knowledge. Equally, a deeper grasp of underpinning knowledge arises through a study of overarching knowledge.

Curriculum content

Here we will focus on the nature of the overarching knowledge that would enable the youth justice system to flourish and more importantly to empower practitioners to flourish within it. It is tempting to 'over-extend' such a wish list. Moreover the curriculum should focus on fostering effective practice rather than an academic expertise. Care should be taken to avoid swamping practitioners with too much disabling their capacity to fully engage. We consider the following list of subject areas as essential to an effective curriculum.

Humans in a humane system

The training of youth justice practitioners must capture what Nellis (2001) describes as the 'humanistic' dimension. Goldson and Muncie (2006) propose a 'principled youth justice' system. This is one in which policy addresses the social and economic conditions such as poverty and inequality that are known to give rise to conflict, harm, social distress and crime. They envisage a system which is characterized by diversion from prosecution and custody, the complete abolition of juvenile custody and the principle of intervening in young lives only when absolutely necessary. Achievement of this more humane system involves education conducive to the thoughtful and reflective practitioner who recognises the humanity of the young person at the centre of the process.

In addition, the vision of a humanistic system is one staffed by workers in touch with their own humanity and that of their clients. As Nellis (2001) argues, ethical action is not merely a matter of following rules, values and standards such as those found in mission statements or a policy documents but are an authentic expression of who you are, your values and what you believe. Having a sense of oneself as a practitioner with a clear sense of ethical practice and values contributes to the effectiveness of skilled and humane practice. This is an orientation in which the qualities of character such as

integrity, genuineness, warmth and empathy and the purposive use of self are essential to practice.

Managerialism

The general consequences of 'managerialist' practice in the public sector has been a substantial theme in the literature. The necessity for practitioners to tailor their approach to young people to meet their differing needs can become eclipsed by the demand to choose from a menu of 'accredited' interventions. Education for practitioners should foreground the importance of engaging with the young person as an essential part of the intervention process. The dynamics of relationship work in all its time consuming and difficult to measure glory should be considered in light of the managerialist agenda which has the potential to erode this essential feature of youth justice work. Furthermore practitioners may benefit from a broader insight into the more general difficulties associated with the idea of quality and performance in the context of managerialism.

Sociological and psychological and criminological theory

Pitts (2005b) suggests that the reason why so much effort was put into professionalizing practitioners in the past was because they had to make difficult decisions. This remains the case today – probably more so. A review of the evidence suggests that there will never be a simple menu of 'intervention' options available to match the offending profile of each young person. Consequently practitioners will need to understand, and analyse for themselves the reasons why young people commit crimes and those things in their life that will prevent reoffending. To understand these mechanisms, both sociological and psychological perspectives on crime are required. To understand the reasons for, and frustrations of, the recently missed targets of the Youth Justice Board (see Travis, 2007), some knowledge of the debate around the dangers of prevention services to avoid their potential iatrogenic effects is as important as knowledge of some 'person centred principles of effective practice.' Some background in agency and structure might help this understanding. Lastly a knowledge that at least accepts the definitional and aetiological problems of the term 'crime' could add sensitivity to the practitioner in the field.

History of the Youth Justice System

It is self-evident too that to understand the youth justice system it is also necessary to understand its history. There is no excuse to begin that history, however important in the year 2000. While the question ‘could an understanding the history of the system inform effective practice’, can be fairly easily accepted, a more interesting, and potentially contentious question might be ‘from which what point should the history of youth justice be told?’ And to answer that question it is probably easier to ask a further question ‘for what purpose?’ If, as Radzinowicz suggests, the concept of the young offender is a Victorian creation (1986, pp.133), then perhaps the 19th century would be a good starting point, although there are arguments that to understand the penal side of the system, a further exploration into the 18th century might be necessary as well. So perhaps the Juvenile Offenders Act of 1847 would be a good starting point, capturing the major landmarks of the system’s undulating topography and sweeping forward to the beginning of this century.

But what advantage could there be in teaching practitioners about what used to go on 150 years ago? A historical view presents the multi-voiced debate around key concepts in practice - the nature of the juvenile offender, the tension between meeting offender needs and punishing their deeds, the relationship between incarceration and social structure, and finally from recent history of youth justice, a few clues about the potential efficacy of both custodial and non-custodial interventions.

Social Exclusion and Social Control

The relationship between certain sectors of society and those that police them is not evenly balanced across the country. Even a superficial analysis of the juvenile custodial population reveals that those who are incarcerated are not representative of the population as a whole. For example during 2002/03, 34% of those classified as Black or black British were given a Reprimand or Final Warning compared with 45% for their white counterparts (Kalunta–Crompton 2005). It was noted that in terms of custody black young people are “four times as likely to be sentenced to custody and over seven times more likely to be subject to long term detention” (ibid pp. 233).

Racism, poverty and social exclusion are also significant determinants of the young persons’ experience of the Youth Justice System. If the system was less obviously

‘unbalanced’ then perhaps these social structures could be simply ignored, but in its current form, some reflection on the demography of the clients of the system seems to be another essential ingredient in beginning to understand effective practice. At least this would disabuse practitioners from the notion that effective practice occurs in a social vacuum. At best it would help contextualise the idea that the drivers of crime are more than the personal ‘risk factors’ identified during assessment and intervention.

Net Widening and Understanding of Risk

The risk of drawing more children into the system and their apparently inevitable rise through the ranks towards custody is perhaps the greatest challenge facing the contemporary youth justice system. The literature here is highly contested, but it appears that overtime younger people with less serious convictions are being sentenced to custody or dealt with more punitively (Reiner *et al* 2007). One valuable component is building an understanding of the way in which growing ‘violent’ behaviour (mostly *between* young people) is being interpreted by the media or policy makers. Another is the wider understanding of the ways in which such things as the respect agenda, Anti Social Behaviour Orders and ‘pre-emptive’ interventions may also contribute to growing numbers.

Victimology

Since 2000, New Labour’s attempts to get the balance right between the needs of victims and the need to process the offender have experienced chequered success. The attempt at adding ‘reparation’ to the Referral Order and the Victims Code of April 2006 have done little to assuage public opinion that victims get a raw deal. The promise of ‘Restorative Justice’ has also failed to take purchase, not least because its ideology has often been lost in the ‘managerialist’ rush towards apparently unattainable targets associated with ensuring victim satisfaction. Some background knowledge in these fields seems appropriate.

Comparative Youth Justice

Lastly, it will be difficult to change the status quo and the outcomes of these interventions or approaches if students have nothing in which to contextualise these speculative changes. A focus on Mainland Europe, Australasia and other jurisdictions including the United States could enable practitioners to realise that certain ‘givens’

are indeed not and that limited success such as minor changes in outcomes may indeed in itself be worth cherishing when compared with what is happening in Europe or the USA (see for example, Muncie and Goldson 2006).

Conclusions

Clearly there is still some way to go before a comprehensive professional programme is available to youth justice practitioners in England and Wales. Some progress has been made and it would be churlish not to give some credit to the original PCEP course delivered by three English universities who initially offered the programme. However, much more is needed. We need to remain focused on a curriculum which is located in the idea of reflection on the wider context of youth justice practice as well as reminding us of the need to achieve the 'epistemological fit' between theory and the world of work. But in the same way that theory needs to fit practice, so too does teaching and learning need to fit into an organisational framework which is receptive and conducive to ongoing learning and reflective practice. Programmes like the national qualification framework do not exist in isolation.

Even armed with well resourced and wide-ranging professional knowledge the challenges ahead for practitioners are considerable. If practitioners are to contribute to a process of both reducing 're-offending' and the use of juvenile custody, then history at least demonstrates that this can be done. However we cannot simply turn back the clock. We face a highly politicised context with spiralling concerns around gun crime, girl gangs, drug misuse and widespread 'antisocial' behaviour. On the other hand equipping practitioners with a broad understanding of the world in which they operate must be a welcome ingredient to any 'recipe' for increasing the effectiveness of the system. The enthusiasm and consequent impact of practitioners in the past has led to positive outcomes. We need to take the pedagogy of effective practice seriously if we have any hope at all of reducing the present crisis in youth justice and slowly, but carefully stem the tides of incarceration, prison overcrowding and public fear and opprobrium. Appropriate overarching knowledge provides a foundation for understanding. If we do nothing, or worse still, join in the call for a 'little less understanding and little more condemnation' then it is difficult to see how this once named 'flagship' of criminal justice policy will not indeed founder.

References

- Barnett, R. (1999) Learning to work and working to learn. In Boud, D. and Garrick, J. (Eds.), *Understanding Learning at Work*. Routledge, London.
- Billett, S. (2005) Exercising self through working life: learning, work and identity, paper presented at the *European Conference for Educational Researchers* Dublin, 7 - 10 September 2005.
- Boud, D. and Walker, D. (1991) *Experience and Learning: Reflection at Work*, Deakin University, Geelong.
- Brennan, J., Little, B., Connor, H. de Weert, E., Delve, S., Harris, J., Josselyn, B., Ratcliffe, N., and Scesa, A. (2006) *Towards a strategy for workplace learning: Report to HEFCE by CHERI and KPMG*. Higher Education Funding Council for England, Bristol.
- Burkitt, I., Husband, C., MacKenzie, J., Torn, A. and Crow, R. (2001) *Nurse Education and Communities of Practice*. The English National Board for Nursing, Midwifery and Health Visiting, London.
- Coffield, F., Moseley, D., Hall, E. and Ecclestone, K. (2004) *Learning Styles and Pedagogy in Post 16 Learning: A Systematic and Critical Review*, Learning & Skills Research Centre, London.
- Cohen, S. (1985) *Visions of Social Control*. Polity Press, Cambridge
- Dreyfus, H. L. and Dreyfus, S. E. (2005) Expertise in Real World Contexts. *Organization Studies* **26**, 779-792.
- Eadie, T. and Canton, R. (2002) Practicing in a Context of Ambivalence: The Challenge for Youth Justice Workers. *Youth Justice* **2**, 14-26.
- Ecotec (2003) *The Professional Certificate in Effective Practice (Youth Justice)* -

Tutor Handbook. Ecotec, London.

Eraut, M. (1994) *Developing Professional Knowledge and Competence*. The Falmer Press, London

Eraut, M. (2004) Informal learning in the workplace. *Studies in Continuing Education* **26**, 247-273.

Fenton-O'Creevy, M., Knight, P. and Margolis, J. (2006) A practice-centred approach to management education. In *New Visions for Graduate Education* (eds C. Wankel & R. DeFillippi), pp. 103-123, Information Age Publishing, Greenwich.

Goldson, B. (2000) *The New Youth Justice*. Russell House Publishing, Lyme Regis.

Goldson, B. and Muncie, J (2006) *Youth Crime and Justice*. Sage, London

Harper, G. and Chitty, C. (2005) The impact of corrections on re-offending: a review of 'what works'. *Home Office Research Study 291*, Home Office, London.

Heron, G. and Chakrabarti, M. (2002) Impact of Scottish vocational qualifications on residential child care: have they fulfilled the promise? *Social Work Education* **21**, 183-197.

Kalunta-Crumpton, A (2005) Race Crime and Youth Justice. In *The RHP companion to Youth Justice* (ed.s T. Bateman and J. Pitts), pp. 230-235. Russell House Publishing, Lyme Regis.

Kennedy, M. (1987) Inexact Sciences: Professional Education and the Development of Expertise. *Review of Research in Education* **14**, 133-167.

Martinson, R. (1974) What works? – Questions and Answers about Prison Reform. *Public Interest*, **35**, 22-54.

McBride, A., Mustchin, S., Hyde, P., Antonacopoulou, E., Cox, A. and Walshe, K. (2004) *Mapping the progress of skills escalator activity: Early results from a survey*

of Learning Account and NVQ Managers in Strategic Health Authorities. Manchester School of Management, Manchester.

Muncie, J. and Goldson, B. (2006) *Comparative Youth Justice*, London, Sage Publications Ltd.

Nellis, M. (2001) The new probation training in England and Wales: realising the potential, *Social Work Education* **20**, 415-432.

Paloniemi, S. (2006) Experience, competence and workplace learning. *Journal of Workplace Learning* **18**, 439-450.

Phoenix, J. (2007) Doing Youth Justice in England and Wales. Paper presented at the *Annual Meeting of the American Society of Criminology*, Atlanta Marriott Marquis, Atlanta, Georgia, 13 November, 2007.

Pitts, J. (2001) *The New Politics of Youth Crime: Discipline or Solidarity*. Russell House Publishing, Lyme Regis.

Pitts, J (2005a) The recent History of Youth Justice in England and Wales. In: *The RHP companion to Youth Justice* (eds T. Bateman and J. Pitts), pp. 2-11. Russell House Publishing, Lyme Regis.

Pitts, J (2005b) Conclusion: What the Evidence Tells Us. . In: *The RHP companion to Youth Justice* (eds T. Bateman and J. Pitts), pp. 248-258. Russell House Publishing, Lyme Regis.

Radzinowicz, L. and Hood, R. (1986) *A history of English Criminal Law and its administration from 1750 Vol. 5, The Emergence of Penal Policy*. Stevens, Oxford.

Raynor, P and Robinson, G. (2005) *Rehabilitation, Crime and Justice*. Palgrave, London.

Reiner, R. Maguire, M. and Morgan, R. (2007) *The Oxford Handbook of Criminology*. Oxford University Press, Oxford.

Scruton, P. (2005) Scant Respect for Children's Rights. *Safer Society* **27**, 17-19

Thorpe, M. (2000) 'Pedagogical implications of flexible learning. In: *Flexible Learning, Human Resource and Organisational Development: Putting Theory to Work* (eds V Jakupiec and J Garrick), pp. 175-192. Routledge, London.

Travis, A. (2007) 'Youth crime board is failing to meet targets, says report', *Guardian*, 2 August, 2007, p. 13.

Webster, C., MacDonald, R. and Simpson, M. (2006) Predicting Criminality? Risk Factors, Neighbourhood Influence and Desistance. *Youth Justice* **4**, 7-22.

Weick, K. E., Sutcliffe, K. M. and Obstfield, D. (2005) Organising and the Process of Sensemaking. *Organization Science* **16**, 409-421.

Youth Justice Board (2006) '80% of practitioners hold youth justice qualifications', www.yjb.gov.uk/en-gb/News/YouthJusticeQualifications.htm [accessed 24 June 2008].